

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

United States of America,
Respondent/Plaintiff

V.

Miguel Angel Luna-Rugama,
Petitioner/Defendant

2:14-cr-00318-JAD-PAL-1

Order Directing Response

10 On August 12, 2016, petitioner Miguel Angel Luna-Rugama filed a § 2254 motion to vacate
11 his 26-month sentence for illegal reentry, arguing that this sentence was illegally enhanced under
12 USSG §2L1.2(b)(1)(C) and 18 USC § 16(B) in light of the United States Supreme Court’s decision in
13 *Johnson v. United States*,¹ in which the Court held that the ACCA’s residual clause is
14 unconstitutionally vague.² Rule 4 of the Rules Governing Section 2255 Cases in the United States
15 District Courts directs me to promptly examine § 2255 motions and, unless it plainly appears that the
16 movant is not entitled to relief, direct the government to file a response. Having reviewed the
17 motion and the record in this case under this standard, I find that a response is warranted.

18 IT IS HEREBY ORDERED that the government must file a response to Luna-Rugama's
19 motion [ECF No. 25] by February 19, 2017. Luna-Rugama will have 30 days from service of the
20 government's response to file a reply.

21 || Dated this 4th day of January, 2017.


Jennifer A. Dorsey
United States District Judge

²⁸ ¹ *Johnson v. United States*, 135 S. Ct. 2551 (2015).

2 ECF No. 25.